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3726

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Reply, please refer to:
Serial No.: 09/880,615
Filed: June 13, 2001
For: Stent Drug Delivery System
Examiner: Jeremy Cozart
Group Art Unit: 3726

Box Non-Fee Amendment
Commissioner of Patents
Washington, DC 20231

Docket No.: S63.2-9949

TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:
4 page Amendment; VAS transmittal; and return postcard.

2. With respect to fees:
☒ No additional fee is required.
☐ Attached is check(s) in the amount of \$
☐ Charge additional fee to our Deposit Account No. 22-0350.

3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.

4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

VIDAS, ARRETT & STEINKRAUS

Date: July 12, 2002

By:

Brendan Babcock

Brendan C. Babcock

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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Box Non-Fee Amendment, Commissioner for Patents, Washington D.C. 20231, on July 12, 2002.

Rebecca M. Painschab
Rebecca M. Painschab

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TECHNOLOGY CENTER R3700



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER R3700

In Re Application of:	Johnson
Application No.:	09/880,615
Filed:	June 13, 2001
For:	Stent Drug Delivery System
Examiner:	Jermie Cozart
Group Art Unit:	3726

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Docket No: S63.2-9949

AMENDMENT

This paper is in response to the Office Action dated April 12, 2002.

REMARKS

This Amendment is in response to the Office Action dated April 12, 2002. The Office Action notes that should claim 27 be found allowable, claim 28 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Claims 23, 25, 26, 29, 30, 32, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Yan (US 5,843,172). Claims 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yan in view of Scott (US 5,903,815). Claims 27, 28, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yan in view of Gray et al (US 5,895,406). Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yan' 172 in view of Gray et al and Scott. These objections and rejections will be addressed using the paragraph numbering used in the Office action.

(2)

In the Office Action Examiner objected to claim 28 under 37 CFR 1.75 as being a substantial duplicate of claim 27. Claim 27 recites a stent with a plurality of serpentine segments in which the manner of how they were formed is not specified. Claim 28 recites a stent in which